

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

GREGORY HANCOCK, #72882

PLAINTIFF

V.

CIVIL ACTION NO. 2:07cv24-MTP

**LARRY T. DYKES, THOMAS EASON,
MAX DAVIS, CLARENCE H. HINTON, JR.,
AND KEVIN FLYNN**

DEFENDANTS

ORDER

THIS MATTER is before the court upon a Motion [114] to Withdraw Declaration [107], filed by Plaintiff and a Motion [108] to Strike Declaration [107], filed by Defendants. In his motion, Plaintiff seeks leave of court to withdraw a Declaration [107] that he filed in support of his Response [105] to Defendants' Reply [102] to Plaintiff's Response [98] to Defendants' Motion to Dismiss, or in the Alternative, Summary Judgment [92] [93]. Defendants have not responded to the Motion to Withdraw Declaration. Having reviewed the motion, and in light of Defendants' failure to respond, the court finds that the motion should be granted.

IT IS THEREFORE ORDERED that Plaintiff's Motion [114] to Withdraw Declaration is granted, and Plaintiff's Declaration [107] shall be deemed stricken from the record.

IT IS FURTHER ORDERED that in light of the court's disposition of Plaintiff's Motion to Withdraw, Defendants' Motion [108] to Strike should be denied as moot.

SO ORDERED on this, the 25th day of August, 2009.

s/ Michael T. Parker

United States Magistrate Judge